

**37th Judicial Circuit Court
Family Division
Friend of the Court**

**How to fill out the Pro Per Packet
Modification of Custody, Parenting
Time and Child Support Orders**

Current as of 05/2012

This presentation is designed to assist you in understanding how to fill out the purple Pro Per Packet entitled: **Modification of Custody, Parenting Time and Child Support Orders.**

You will need to obtain the following items in order to complete this packet:

1) A copy of the purple Pro Per Packet Entitled: **Modification of Custody, Parenting Time and Child Support Orders.** This is available free of charge from the Calhoun County Friend of the Court Office or on the web at:

www.calhouncountymi.gov/Departments/FriendOfTheCourt/Forms.html

2) A copy of your court papers from your divorce, separate maintenance, custody, paternity, support or eligible interstate case. (To determine if your case is an eligible interstate case contact the Friend of the Court Office at 269-969-6500)

The next slides will guide you through
the process of filling out the page
entitled:

**Modification of Custody, Parenting
Time and Child Support Orders**

1) Write or type the case number from your court papers in the space provided. Example: 1927-009999-DM

2) Write or type the Plaintiff's name, address and telephone number.

Write or type the defendant's name, address and telephone number.

3) Write or type the name of the Assigned Judge and Assigned Referee.
Example: Hon. Stephen Miller

STATE OF MICHIGAN 37TH JUDICIAL CIRCUIT CALHOUN COUNTY	MOTION TO MODIFY CUSTODY PARENTING TIME AND CHILD SUPPORT	CASE NO. A																
Court Address: 161 E. Michigan Ave., Battle Creek, MI 49014		Court Telephone: (269) 969-6500																
B Plaintiff's name, address and telephone no. <input type="checkbox"/> moving party v Defendant's name, address, and telephone no. <input type="checkbox"/> moving party																		
Intervening Party's name, address and telephone no. <input type="checkbox"/> moving party																		
		Assigned Judge: Hon. _____ Assigned Referee: _____																
C 1. <input type="checkbox"/> a. On _____ date a judgment or order was entered regarding custody. <input type="checkbox"/> b. There is no current order for custody.																		
D 2. The current custody orders are as follows: Name(s) of child(ren): 1) _____ <input type="checkbox"/> see additional sheet 2) _____ 3) _____																		
<table style="width: 100%;"><tr><td><input type="checkbox"/> joint legal custody to</td><td><input type="checkbox"/> plaintiff</td><td><input type="checkbox"/> defendant</td><td><input type="checkbox"/> Intervening Party</td></tr><tr><td><input type="checkbox"/> joint physical custody to</td><td><input type="checkbox"/> plaintiff</td><td><input type="checkbox"/> defendant</td><td><input type="checkbox"/> Intervening Party</td></tr><tr><td><input type="checkbox"/> sole legal custody to</td><td><input type="checkbox"/> plaintiff</td><td><input type="checkbox"/> defendant</td><td><input type="checkbox"/> Intervening Party</td></tr><tr><td><input type="checkbox"/> sole physical custody to</td><td><input type="checkbox"/> plaintiff</td><td><input type="checkbox"/> defendant</td><td><input type="checkbox"/> Intervening Party</td></tr></table>			<input type="checkbox"/> joint legal custody to	<input type="checkbox"/> plaintiff	<input type="checkbox"/> defendant	<input type="checkbox"/> Intervening Party	<input type="checkbox"/> joint physical custody to	<input type="checkbox"/> plaintiff	<input type="checkbox"/> defendant	<input type="checkbox"/> Intervening Party	<input type="checkbox"/> sole legal custody to	<input type="checkbox"/> plaintiff	<input type="checkbox"/> defendant	<input type="checkbox"/> Intervening Party	<input type="checkbox"/> sole physical custody to	<input type="checkbox"/> plaintiff	<input type="checkbox"/> defendant	<input type="checkbox"/> Intervening Party
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<input type="checkbox"/> sole physical custody to	<input type="checkbox"/> plaintiff	<input type="checkbox"/> defendant	<input type="checkbox"/> Intervening Party															
E 3. The children have been living with _____ at _____ _____ since _____. <div style="display: flex; justify-content: space-between; font-size: x-small;">Complete addressdate</div>																		
F 4. Circumstances have changed or Proper Cause exists that require a change in custody: <input type="checkbox"/> see attached page. (Use a separate sheet to explain in detail what has happened and attach to this motion.)																		

4) Check box A or B. By checking box A you are indicating that you have an order entered that requires you to pay current custody. By checking box B you are indicating there is no order currently directing you to pay support.

5) List the minor children that the custody order governs. Check the box representing the current custody as indicated in the order.

6) State who the children are currently living with. Include the address and the date that they began living at the residence.

7) Explain how the circumstances have changed since the current order entered. If you need more space check the box and attach a separate sheet of paper.

STATE OF MICHIGAN 37 TH JUDICIAL CIRCUIT CALHOUN COUNTY	MOTION TO MODIFY CUSTODY PARENTING TIME AND CHILD SUPPORT	CASE NO. A
Court Address: 161 E. Michigan Ave., Battle Creek, MI 49014		Court Telephone: (269) 969-

B Plaintiff's name, address and telephone no. ☐ moving party v Defendant's name, address, and telephone no. ☐ moving party

Intervening Party's name, address and telephone no. ☐ moving party

Assigned Judge: Hon. _____

Assigned Referee: _____

C ☐ a. On _____ date a judgment or order was entered regarding custody.
☐ b. There is no current order for custody.

D 2. The current custody orders are as follows:

Name(s) of child(ren):

1) _____ ☐ see additional sheet

2) _____

3) _____

<input checked="" type="checkbox"/> joint legal custody to	<input type="checkbox"/> plaintiff	<input type="checkbox"/> defendant	<input type="checkbox"/> Intervening Party
<input type="checkbox"/> joint physical custody to	<input type="checkbox"/> plaintiff	<input type="checkbox"/> defendant	<input type="checkbox"/> Intervening Party
<input type="checkbox"/> sole legal custody to	<input type="checkbox"/> plaintiff	<input type="checkbox"/> defendant	<input type="checkbox"/> Intervening Party
<input type="checkbox"/> sole physical custody to	<input type="checkbox"/> plaintiff	<input type="checkbox"/> defendant	<input type="checkbox"/> Intervening Party

E 3. The children have been living with _____ at _____
_____ since _____.
Complete address date

F 4. Circumstances have changed or Proper Cause exists that require a change in custody:
☐ see attached page. (Use a separate sheet to explain in detail what has happened and attach to this motion.)

8) Write down exactly what you want the court to order regarding custody and parenting time. If more space is needed check the box and attach a second sheet of paper.

9) Sign and date the motion.

10) Write or type the name of the assigned Family Division Referee and the date and time of the hearing. Also, include the hearing room in the space provided.

A hearing date can be obtained by calling 969-6500.

STATE OF MICHIGAN 37 TH JUDICIAL CIRCUIT CALHOUN COUNTY	MOTION TO MODIFY CUSTODY PARENTING TIME AND CHILD SUPPORT	CASE NO. A
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G 5. I ask the court to order custody and parenting time as follows:
Use a separate sheet to explain in detail what you want the court to order, and attach to this motion. ☐ see attached page

Further, I ask that child support be set consistent with the Michigan Child Support Formula.

I declare that the above statements are true to the best of my information, knowledge, and belief.

H _____
Date

Moving Party's Signature

NOTICE OF HEARING

A hearing will be held on this motion before _____ on _____
Name of Referee Date
I at _____ in hearing room # _____, Justice Center, 161 E. Michigan Ave., Battle Creek, MI
Time

NOTE: If you are the person receiving this Motion, you may file an Answer. Please see the website for an Answer Form. www.calhouncountymi.gov/foc

11) This page is used if you need more space than what is provided on page one of the motion. If you do not need more room you may discard. If you do utilize the space for additional information, make sure you sign and date this page.

STATE OF MICHIGAN 37 TH JUDICIAL CIRCUIT CALHOUN COUNTY	MOTION TO MODIFY CUSTODY PARENTING TIME AND CHILD SUPPORT	CASE NO. A
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ATTACHMENT TO MOTION

2. Continued from page 1

Name(s) of child(ren):

4) _____

5) _____

6) _____

4. Continued from page 1

5. Continued from page 1

12) Write or type the case number from your court papers in the space provided. Example: 1927-009999-DM

13) Write or type the Plaintiff's name, address and telephone number.

Write or type the defendant's name, address and telephone number

14) Make copies of your motion form and attachments for yourself, for the other party, and for the Friend of the Court. Go to the Circuit Court Clerk's office in the Calhoun County Justice Center in Battle Creek with the original and a copy of all pages of this form. These must be filed with the Clerk. Payment of the appropriate fees will be expected at the time of filing.

15) On the date you mail one copy of all pages to the other party, sign and date the Certificate of Mailing. The date that you sign the Certificate of Mailing must be the date that you served your motion on the other party either by personal service or by mailing. You must then file the certificate of mailing with the **Circuit Court Clerk**.

STATE OF MICHIGAN 37 TH JUDICIAL CIRCUIT CALHOUN COUNTY	MOTION TO MODIFY CUSTODY PARENTING TIME AND CHILD SUPPORT	CASE NO. A
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B Plaintiff's name, address and telephone no. ☐ moving party v Defendant's name, address, and telephone no. ☐ moving party

→

→

Intervening Party's name, address and telephone no. ☐ moving party

Assigned Judge: Hon. _____

Assigned Referee: _____

CERTIFICATE OF MAILING

I CERTIFY THAT ON THIS DATE I MAILED A COPY OF THIS MOTION, NOTICE OF HEARING AND CERTIFICATE OF MAILING TO THE OTHER PARTY OR PARTIES BY ORDINARY MAIL TO THE ABOVE ADDRESS(ES).

J _____
Date

Moving Party's Signature

The next set of slides will guide you
through the process of filling out the
page entitled:

**Answer to Motion to Modify Custody,
Parenting Time and Child Support**

1) Write or type the case number from your court papers in the space provided. Example: 1927-009999-DM

2) Write or type the Plaintiff's name, address and telephone number. Write or type the defendant's name, address and telephone number.

3) Check box A or B. By checking box A you are indicating that you have an order entered that established custody. By checking box B you are indicating there is no order determining custody.

4) List the names and dates of birth for the children. State who the children are currently living with. Include the address and the date that they began living at the residence.

STATE OF MICHIGAN 37 TH JUDICIAL CIRCUIT CALHOUN COUNTY	ANSWER TO MOTION TO MODIFY CUSTODY PARENTING TIME AND CHILD SUPPORT	CASE NO. A
Court Address: 161 E. Michigan Ave., Battle Creek, MI 49014		Court Telephone: (269) 969-6500

B Plaintiff's name, address and telephone no. ☐ moving party v Defendant's name, address, and telephone no. ☐ moving party

Plaintiff's name, address and telephone no. ☐ moving party

Defendant's name, address, and telephone no. ☐ moving party

Intervening Party's name, address and telephone no. ☐ moving party

Intervening Party's name, address and telephone no. ☐ moving party

Assigned Judge: Hon. _____

Assigned Referee: _____

C 1. ☐ a. On _____ a judgment or Order was entered regarding custody.

Date

☐ b. There is no current order for custody.

D 2. The ☐ Plaintiff ☐ Defendant ☐ Intervening party was ordered to have custody of the child(ren) as follows: _____

E 3. The children have been living with _____ at _____ since _____ date.

Complete address

date

F 4. I ☐ agree ☐ do not agree that circumstances have changed or proper cause exists as stated in the Motion: (Explain in detail what you do not agree with and why. Include all necessary facts. Use a separate sheet if necessary.)
☐ See separate sheet attached.

G 5. I ask the court to order that custody, parenting time, and support as follows: (Use a separate sheet to explain in detail what you want the court to order, and attach to this Answer) ☐ See separate sheet attached.

I declare that the above statements are true to the best of my information, knowledge, and belief.

I _____
Date

Responding Party's Signature

5) Check the box that you agree or disagree that the circumstances have changed since the current order entered as stated in the motion.

6) Explain the causes that you agree or don't agree with as stated in the motion. If more room is needed check the box and attach a second piece of paper.

7) Write down exactly what you want the court to order regarding custody and parenting time. If more space is needed check the box and attach a second sheet of paper.

8) Sign and date the motion.

STATE OF MICHIGAN 37TH JUDICIAL CIRCUIT CALHOUN COUNTY	ANSWER TO MOTION TO MODIFY CUSTODY PARENTING TIME AND CHILD SUPPORT	CASE NO. A
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B Plaintiff's name, address and telephone no. <input type="checkbox"/> moving party v Defendant's name, address, and telephone no. <input type="checkbox"/> moving party		
<small>Intervening Party's name, address and telephone no. <input type="checkbox"/> moving party</small>		
		Assigned Judge: Hon. _____ Assigned Referee: _____
C 1. <input type="checkbox"/> a. On _____ a judgment or Order was entered regarding custody. <small>Date</small> <input type="checkbox"/> b. There is no current order for custody.		
D 2. The <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Intervening party was ordered to have custody of the child(ren) as follows: _____		
E 3. The children have been living with _____ at _____ <small>Complete address</small> since _____ <small>date</small>		
F 4. I <input type="checkbox"/> agree <input type="checkbox"/> do not agree that circumstances have changed or proper cause exists as stated in the Motion: (Explain in detail what you do not agree with and why. Include all necessary facts. Use a separate sheet if necessary.) <input type="checkbox"/> See separate sheet attached.		
G 5. I ask the court to order that custody, parenting time, and support as follows: (Use a separate sheet to explain what you want the court to order, and attach to this Answer) <input type="checkbox"/> See separate sheet attached.		
<i>I declare that the above statements are true to the best of my information, knowledge, and belief.</i>		
I _____ <small>Date</small>		_____ <small>Responding Party's Signature</small>

9) This page is used if you need more space than what is provided on page one of the motion. If you do not need more room you may discard. If you do utilize the space for additional information, make sure you sign and date this page.

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ATTACHMENT TO ANSWER

4. Continued from page 1.

5. Continued from page 1.

10) Write or type the case number from your court papers in the space provided. Example: 1927-009999-DM

11) Write or type the Plaintiff's name, address and telephone number. Write or type the defendant's name, address and telephone number.

12) Make copies of your **Answer to Motion** form and attachments for yourself, for the other party, and for the Friend of the Court. Go to the Circuit Court Clerk's office in the Battle Creek Justice Center with the original and a copy of all pages of this form. These must be filed with the Clerk.

13) On the date you mail one copy of all pages to the other party, sign and date the Proof of Service. The date that you sign the Proof of Service must be the date that you served your motion on the other party either by personal service or by mailing.

STATE OF MICHIGAN 37 TH JUDICIAL CIRCUIT CALHOUN COUNTY	ANSWER TO MOTION TO MODIFY CUSTODY PARENTING TIME AND CHILD SUPPORT	CASE NO. A →
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Intervening Party's name, address and telephone no. ☐ moving party

Assigned Judge: Hon. _____

Assigned Referee: _____

Certificate of Mailing

- ☐ I certify that on this date I personally served a copy of this Answer to Motion for Modification of Custody, Parenting Time and Child Support on the other party.
- ☐ I certify that on this date I mailed a copy of this Answer to Motion for Modification of Custody, Parenting Time and Child Support on the other party.

I _____
Date

Responding party's signature